IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18018 of 2007(T)

PETITIONER:
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1. MEPPARA MAHAL JUMA-AT-COMMITTEE, KULUKKILLIYARD, KOTTAPURAM P.O., REPRESENTED BY ITS PRESIDENT K.AVARA HAJI, RESIDING AT KATTUKANDAN HOUSE, KULUKKILIYAD, KOTTAPPURAM PO., PALAKKAD DISTRICT.

2. K.AVARA HAJI, S/O. KUNHAMMAD HAJI, KATTUKANDAN HOUSE, KULUKILIYAD, KOTTAPPURAM PO., PALAKKAD DISTRICT, PRESIDENT & MUTHAVALLI OF MEPPOARA MAHALLU JAMA-AT-COMMITTEE.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE, PALAKKAD.

2. THE SUB INSPECTOR OF POLICE, SREEKRISHNAPURAM, PALAKKAD DISTRICT.

3. HASSANKUTTY @ BAPPU, S/O. KUNHALI, MANKATAKUZHIYIL HOUSE, KULUKKILIYAD, KOTTAPPURAM P.O., PALAKKAD DISTRICT.

4. POKKARUKUTTY, ELAMPILAVIL HOUSE, KULUKKILIYAD, KOTTAPPURAM P.O., PALAKKAD DISTRICT.

5. UNNEEN, VIYYANADAN HOUSE, KULUKKILIYAD, KOTTAPPURAM P.O., PALAKKAD DISTRICT.

6. AZEEZ, S/O. HAMZA,
ELAMPILAVIL HOUSE, KULUKKILIYAD, KOTTAPPURAM P.O.,
PALAKKAD DISTRICT.

7. ABDUL RAHMAN, S/O. KUNNATHU BAPPU,
KULUKKILIYAD, KOTTAPPURAM P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ
GOVERNMENT PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & K.HEMA, JJ.

W.P.(C).NO.18018 OF 2007

Dated this the 25th day of June, 2007

JUDGMENT

Raman, J.

This is a petition seeking for appropriate order or direction to the second respondent to give necessary police protection to the petitioners and to manage the affairs of the Mosque and the committee to avert the threat caused by respondents 3 to 7. First petitioner is a committee represented by its President and the second petitioner is its President. According to the petitioners, new committee was formed in the General Body Meeting held on 27.4.2007. They rely on Exhibit P5 notice in support of the case. According to the petitioners, as soon as new committee is elected, due information has been given to the District Registrar. The Wakf Board is not made a party.

2. Respondents 3 to 7 filed a counter affidavit. According to them, on 8.6.2007 nine elected members of the committee convened the committee meeting and elected Mr.M.K.Bappu alias Pokker as the President. Who are the elected members are,

however, not stated in the petition. Admittedly, only election conducted for the committee is on 27.4.2007. While Exhibit P5 would show the names of nine persons as committee members including the President, no other materials are produced by the respondents to dispute the correctness of the same. Prima facie, therefore, until the matter is resolved by the Wakf Tribunal, there shall not be any disturbance to the administration. Hence we direct the second respondent Sub Inspector of Police to see that law order situation is maintained and necessary protection shall be afforded. However, if the Tribunal decides one way or other regarding as to who is the President of the committee, it shall be open to the said person to take charge of the administration of the Juma-at in accordance with law.

The Writ Petition is disposed of as above.

P.R.RAMAN, JUDGE

K.HEMA, JUDGE

vgs.